

Next Meeting: November 3, 2004
10:00 a.m. – Thorburn Center – Ingham ISD (Rooms B and C)

SPECIAL EDUCATION ADVISORY COMMITTEE

Minutes of October 6, 2004 Meeting
10:00 a.m.

Present: Cindy Anderson, Gloria Anderson, Kathleen Clegg, Patt Clement, Pansy Coleman, Cheryl Ervin, Darlene Heard-Thomas, Elaine High, Ric Hogerheide, Patricia Keller, Dara Knill, Jim Kubaiko, Paul Kubicek, Jerry Oermann, Dodie Raycraft, Anne Richardson, Debs Roush, Chuck Saur, Steve Schwartz, Jeff Siegel, Larry Simpson, Deb Todd, Randall VanGasse, Collette Ward, Julie Winkelstern
Ex-Officio Members: Doug Nurenberg (for Sheri Falvay), Rosanne Renauer, Michele Robinson, Jacquelyn Thompson

Absent: Janice Fialka, Jill Jacobs, Mark Larson, Lee Martin, Julie Shore, Ann Yurcek

OSE/EIS Staff: David Brock, Fran Loose, Patti Oates-Ulrich

Guests: Beverly Baroni-Yeglic, Linda Keway, Maggie Kolk, Sandi Laham

The meeting was called to order by Chairperson Patt Clement.

Roll Call

Roll call was taken and a quorum was present.

Introduction of Guests

Guests attending the meeting were introduced.

Amend/Approve Proposed Agenda

The agenda of the October 6, 2004 meeting was considered. Elaine High moved, seconded by Steve Schwartz, to approve the agenda as written. The motion carried.

Amend/Approve Minutes

The minutes of the June 2, 2004 meeting were considered. Jerry Oermann moved, seconded by Paul Kubicek, to approve the minutes as written. The motion carried.

Public Comment

None

Member Issues

Deb Todd raised two issues. The first concerned the lack of a standard for determining when an educational loss has occurred. Secondly, Deb wondered if there was a rule stating that it is fair and appropriate for a compliance officer to be able to investigate him or herself when a complaint is filed against the ISD involving him or her. Patt Clement stated the issues would be considered by the executive committee.

Gloria Anderson announced that the Michigan Speech, Language and Hearing Association has a longstanding concern about the disregard for standards set for educational audiologists and those serving students receiving services under speech and language or hearing impaired. Information about the standards is available online. In addition, House Bill 5308, the speech and language licensure bill, will go back to the House in November. ASHA supports the bill.

Steve Schwartz brought up legislation on physical restraint sponsored by Representative Hammerstrom. Steve wondered if the State Board of Education has adopted a policy or recommendation regarding the physical restraint of students. Jacquelyn Thompson reported that the Board has a document on restraint dating back to the early nineties. The Department of Education brought together a large stakeholder group to update that document, addressing both seclusion and restraint. The referent group has been working since early summer. Additionally, Representative Lipsey, and more recently Senator George, both from Kalamazoo, introduced a bill in the legislature about restraint. Staff members from Representative Lipsey's office have been attending the referent group meetings. A report from the referent group will go to the Board of Education in January. Steve suggested a member of the referent group report to the SEAC at a future meeting. Larry Simpson and Jeff Siegel both serve on that group and volunteered to give such a report.

Chairperson's Report – Patt Clement

A. Update on Retreat

Patt reported that the retreat went very well. The responsibilities of the SEAC by law were examined and compiled. The committee will make sure that future work fits within that scope.

B. Identification of subcommittee membership

Work was prioritized at the retreat and sorted by the executive committee into three subcommittees: General Supervision, Secondary Transition, and School Age. The work sorted by subcommittee was posted on the wall. Members should examine the focus of each subcommittee and choose one subcommittee meeting to attend this afternoon.

State Reports – Jacquelyn Thompson

A. State Board of Education

David Brock reported on three SEAC-related Board items for October. The first is an information item on Camp T. With the second, the Board will rescind previous LRE policies from 1992 and 1984. A new LRE document initiated by the SEAC was approved by the Board in August with a small change made by the State Board on the order of considerations. Jacquelyn pointed out that the SEAC spent a couple of years looking at these older documents and made a recommendation to update them. That work was presented to the Board in June of 2003. At the time, the Board suggested a title change and sent it back to the Department of Education to re-examine. Department staff made the appropriate revisions without affecting content and the resulting document is what the Board approved in August. The learning for the SEAC is that its work does make a difference.

Gloria Anderson asked what effect *Brillon vs. Klein ISD*, 41 IDELR121, 5th Circuit, 2004 would have on the inclusion portion of the approved LRE document. She indicated that the decision used a standard of “educational benefit” to evaluate the appropriateness of a student’s IEP. She expressed concern over “inclusion anytime, anyplace.” David Brock explained that the State’s new document on LRE does not say “inclusion anytime, anyplace.” It is focused on determinations made for each individual child. Discussion followed. David explained that the country is divided into federal circuits. Michigan is part of the 6th Circuit. The decision Gloria brought up was made in the 5th Circuit and it is not binding for any other circuit; however, such decisions often affect decisions made in other circuits. Also, several court cases have been using the concept that “the IEP was reasonably calculated to convey educational benefit” as a standard for evaluating the appropriateness of a student’s IEP. Discussion followed.

Finally, the superintendent will report that the state monitoring model was modified and the new model, the Continuous Improvement and Monitoring System (CIMS), is being piloted in a few volunteer school districts this school year. CIMS was developed with the help of many stakeholder groups over the past three years. The authority for the monitoring model falls under the superintendent’s rule-making authority, so he must now officially announce the change. Full implementation of the new monitoring system is expected for 2005-06. Kathy Barker will present to the SEAC on CIMS in November.

B. Department of Education

For the sake of clarity, David explained the difference between the four types of hearings that may be discussed in SEAC meetings.

- Public hearings on rules are mandated by both state and federal law to give people a chance to comment on the rules before they are finalized.
- A due process hearing is held on behalf of a student when there is a dispute between the school and the parents. This type of hearing addresses only one child.

- When a parent objects to something in the student's record and the school refuses to make the change, the parent is entitled to a hearing conducted by a local administrator.
- A hearing can be brought by a local education agency, public school academy, or the Parent Advisory Committee when an objection to the ISD plan is raised. An appointed hearing officer reviews the positions of the parties and makes a recommendation to the Superintendent of Public Instruction for a resolution on how the plan should or should not be changed. If either party objects to the decision, they can appeal to the Superintendent of Public Instruction for review, whose decision is final.

The Department has not received much comment on the rules currently out for public comment. The public comment period closes October 13. Rules included in this period are the qualifications for transition coordinators, the due process magistrate single-tier system, homebound services, changes to programs for speech and language impairment, and total revision to the teacher qualifications for special education proposed by the Institutes for Higher Education. Two policy documents are also out for public comment: temporary approval of school social workers (issued to persons prior to receiving an offer of employment that have completed a training program), and an addendum to the IEP with a definition of the circumstances under which that would be allowed and conducted. The summary of public comment will be provided to the SEAC at the November meeting for the policy items. A summary of public comment on the rules will be provided in December. Typically a subcommittee is assigned to examine the public comment and come up with a recommendation to present to the committee of the whole.

Fran Loose reported that the US Department of Education, Office of Special Education Programs awarded an IDEA Partnership Grant to the National Association of State Directors of Special Education (NASDSE) and the Council of Chief State School Officers (CCSSO). The goal is collaborative personnel development across states and institutes of higher education in order to effectively implement IDEA. In turn, as part of the grant activities, NASDSE and CCSSO awarded sub-grants to eleven states. Michigan received one of these grants.. Michigan's team is being assembled primarily from the leadership of existing groups such as the SEAC, the Universal Education Referent Group, and the State Interagency Coordinating Council in order to encourage collaborative planning across the state.

Information Items

None

Action Items

None

Ex-Officio Reports

Institutions of Higher Education – Mark Larson – None

Michigan Department of Community Health – Doug Nurenberg – None

Michigan Department of Labor and Economic Growth/Rehabilitation Services – Rosanne Renauer – Going into the new fiscal year, three internal work groups were convened to work on three agency priorities: partnering with other agencies, quality rehabilitation outcomes, and equity of services. In addition, the MI-Connections Grant is in its second year with Grand Rapids as its pilot site. Finally, the Michigan Rehabilitation Conference will take place November 3-5 at the Grand Traverse Hotel and Resort. Information on the conference can be found at www.maro.org.

Family Independence Agency – Lee Martin – None

Committee Reports

In lieu of committee reports, the appointed chairs of each subcommittee gave an overview of expected work for the coming year. SEAC members were then asked to separate into groups according to their area of interest and discuss expected work to determine if membership in that committee is a good fit.

- A. General Supervision – Ric Hogerheide (Colette Ward, co-chair)
- B. School Age – Steve Schwartz (Jerry Oermann, co-chair)
- C. Secondary Transition – Elaine High (Cindy Anderson, co-chair; Chuck Saur, back-up)

Member Announcements

Deb Todd announced that her parent advisory committee is objecting their ISD plan. She invited interested parties to attend the hearing. The meeting date and time will be distributed over the listserv. Deb will provide the information for posting when it is available. The hearing will be held at the Mecosta-Osceola ISD.

Pansy Coleman announced that the Detroit PAC is sponsoring a special education forum called Links for Success on Saturday, October 9 from 8:00 am to 2:00 pm. It is free of charge. Also, the Detroit PAC developed a small IEP handbook for parents and Pansy will bring some to the next meeting.

Ric Hogerheide announced that the president of the National Education Agency (NEA), Reg Weaver, will be in Michigan on October 25. He will speak at a rally held at 4:00 at the MEA office in Flint. Contact Ric for additional information on the visit.

Future Agenda Consideration

The Board requested that the SEAC provide them with updates on their work. Sandi Laham explained that the goal is to communicate what SEAC talks about, what SEAC decides, and what the emerging issues are. She developed some questions to be answered on a monthly basis and forwarded to the Board. This is an opportunity for the last five minutes of the SEAC meeting to be spent answering these questions to provide a vehicle for dialogue with the Board. The process will begin next month.

Steve Schwartz moved, seconded by Ric Hoyerheide, to adjourn. The motion carried. The meeting was adjourned to Senator Thomas' and Representative Stewart's presentation, followed by subcommittee meetings.

Amanda Whitehead
Recording Secretary

SPECIAL EDUCATION ADVISORY COMMITTEE

Executive Committee
Minutes of October 6, 2004 Meeting
8:45 a.m.

Present: David Brock, Patt Clement, Elaine High, Ric Hogerheide, Sandi Laham, Fran Loose, Patti Oates-Ulrich, Debs Roush, Steve Schwartz, Larry Simpson, Jacquelyn Thompson, Collette Ward

Absent:

Review of Today's Agenda

Steve Schwartz announced that Senator Buzz Thomas and Representative John Stewart will present on the bullying issue over lunch.

State Department Report

David Brock will give an update on the proposed rules and public hearings. He will also report on three SEAC-related Board items for this month. There is an information item on Camp T, a superintendent's report on the pilot of the Continuous Improvement and Monitoring System (CIMS), and the rescission of documents relative to LRE dated 1984 and 1992. Jacquelyn Thompson noted that in August, the Board approved – with a change – the work of SEAC on the procedures for LRE. There was input from the field suggesting a change in the order of the steps outlined in the document and the Board accepted their input. Jacquelyn will report on the changes to and approval of the LRE document. She also noted that the information would serve as a good lesson on how the work of the SEAC moves ahead and becomes policy and/or procedure. Finally, Fran Loose will present on the receipt and work of the IDEA Partnership Grant.

Subcommittee Reports

None

Future Agenda Development

Dr. Wayne Fisk will attend the November SEAC meeting to discuss the bullying issue. Kathy Barker will present on CIMS during the committee of the whole in November. David reported that a summary of public comment on the addendum to the IEP and the revised procedure for approval of social workers will be ready to present in November. The general

supervision subcommittee would be assigned develop a recommendation on both issues. Presentation on the rules will be ready in December.

Other Issues

Fran Loose reported that as of yesterday, she and Patt Clement identified three subcommittees based on the work that was prioritized at the retreat: secondary transition, general supervision, and communication. The PAC and public hearing issues could fall under general supervision. Patt determined who she would like to co-chair each subcommittee. Steve Schwartz, the appointed chair of the communication subcommittee, objected to renaming the school age subcommittee “communication” and it was decided that the name would remain the same. Sandi Laham shared the work analysis compiled from the September retreat and suggested that subcommittees decide this afternoon what they want to accomplish by April. David Brock asked how the work identified would be sorted or assigned to subcommittees. Fran suggested work related to the seven mandatory functions of SEAC and the issues that garnered the most interest at the retreat be assigned to one of the three subcommittees. Larry suggested the executive committee assign issues to the three subcommittees, announce what each group will be focused on, and let members choose which group to serve on. Discussion followed. The executive committee sorted work into the three subcommittees and posted it on the wall.

Sandi Laham developed a SEAC Quick Notes sheet to be completed on a monthly basis to report to the State Board of Education. The report would briefly highlight work done in the committee of the whole.

The executive committee will meet again today at 2:00 to set a time for a conference call debrief.